

Senate Bill 81 (Mark Madsen R- Lehi)

As was the case with Senator Madsen's SB 72 last year, the Utah High School Activities Association has concern as to the need for this year's version of somewhat the same legislation. It has been tweaked with cursory adjustments and ambiguity, but fails to hide the obvious intent to treat a particular section of students differently. If this bill were to become law, home school and private school students and newly-formed UHSAA member charter high schools' students would be afforded less restrictive eligibility and transfer opportunities than regular students in other UHSAA member public and private high schools. The UHSAA has enjoyed a great relationship with the home and private school communities and the Utah State Board of Education and the USOE in providing opportunities for thousands of students in these situations to participate in extra-curricular activities. Many such students in Utah have advantaged themselves of the opportunity under current rule. There is no documented case where a home school or private school student, following the proper procedures of the UHSAA, was not accommodated into participation with the public school of his/her residence. Public charter high schools, which have petitioned to become members of the UHSAA, should have the same rights, privileges and treatment as any other member high school. Although, charter member schools are somewhat new to the landscape of the UHSAA, the boards and staff have worked diligently to understand their charters intentions and have accommodated these member schools to the best of our ability, without forsaking the rights of other members. There are currently 3 public charter high schools that are members of the UHSAA. They are Tuacahn, Uintah River and American Leadership Academy.

Here are some facts and/or some concerns associated with this legislation:

- Participation in academic-based activities at the high school level is a privilege, not a right. Please don't jeopardize the standards and erode the values of privileged eligibility by compromising established UHSAA by-laws.
- Utah is one of about half of the state associations to allow home school and private non-member school students the opportunity to participate in high school activities at all. The states that do not allow such participation require full-time student status at the school in which participation is sought.
- If this bill is enacted into law, the parent seeking release of a child for home-schooling no longer needs to sign an affidavit (sworn legal document under oath), but only needs to file a "NOTICE" with the child's resident school district. According to language in this bill, the school district has no choice but to exempt the student. There is no investigation, no opportunity to work with parents, no opportunity to have any influence with parents in determining any thing to do with educating their child.
- The Utah State Board of Education/UHSAA by-law (R-277-700 and R-277-438-4) allowing possibility of a home school/non-member private school student is working well. It is a rule that is not discriminatory and accommodates a student's proficiency by interview, portfolio, tests or personal appraisal, whatever their choice. The UHSAA would not appreciate the absence of the USBE/USOE (an educational agency) affiliation in determining this scholastic eligibility.
- What about other eligibility standards? Age verification, number of consecutive years of participation, limited team membership during an activity season, quitting one team and moving to another, etc., etc. These are important issues with the UHSAA as it attempts to create a "level playing field" for its member schools. The Association has always worked hand-in-hand with the USOE, district officials and member public and private schools in policing such rules.

- The legislation does not differentiate between member private schools and those private schools that choose not to become members of the UHSAA. Does that mean that those students at Juan Diego Catholic, Lutheran, Christian Heritage, Meridian, Waterford, Wasatch Academy, West Ridge Academy, Judge Memorial Catholic, Layton Christian Academy, Cross Creek Academy, Oakley School, St. Joseph Catholic, Mt. Vernon Academy, Rowland Hall- St. Marks, Intermountain Christian or Abundant Life Academy, all UHSAA member schools, could have their parents sign a note that they were eligible to participate, the same as students who were in non-member private schools and home schools? Would private and home schools have the authority to alter other UHSAA rules to fit their needs?
- Lines 46-52 of SB 81 take away the authority of the Utah High School Activities Association to govern the eligibility of public school students who attend charter schools for the first three years of the charters' existence. This seems to "trump" all non-recruiting rules of the UHSAA. Line 52 suggests that the student meets all other eligibility criteria. "Criteria set by whom?" Does this mean that some UHSAA rules and by-laws are "good", but others (recruiting) are "bad"? Could a charter school actively recruit football, baseball, soccer players, etc., without regard to the student's academics, citizenship behavior or eligibility penalties already in place at his/her previous high school?
- Lines 128-168 (end of bill) indicate that the legislature would push aside current eligibility and transfer rules of the UHSAA that have governed high school activities in some form since its beginning in 1927. Does the legislature want to become the governance for high school activities? What happens to those students disciplined for safe school violations? Do the parents have the right to declare them immediately eligible once they begin to home school?
- Even though the bills author has amended his former bill to penalize public school students who may have an interest to home school in an effort to avoid the scholastic rule, our concern is that it will not be long until our scholastic eligibility rule becomes contentious with the public schools in our membership. This may lead to the erosion of academic-based eligibility as currently constituted. According to this legislation, only parents may establish the scholastic eligibility of their home-schooled child. All other member school students must go through the established rules and checkpoints of public and private institutions for scholastic and citizenship criteria before earning the privilege of becoming eligible to participate. Could the regular school students bail out of tough requirements, take advantage of the home school route and become rewarded for their eligibility loss sooner than by the traditional way? Maybe all parents deserve the right to grade their own student?

The UHSAA was formed by local school districts to prepare post-season competitions and govern eligibility of participating students. Its boards are still comprised of local elected school board members, private school board members, superintendents in member districts, principals of member schools and representatives of the Utah State School Board and Office of Education. These board members act in behalf of all member school students. What is good for one student is good for another.

Once again, our association does not see the need for this bill. Home school, private school and now, charter school students are not being discriminated against in our system. In fact, they have been treated very fairly, the same as students attending UHSAA member schools.

This bill (SB 81) needs major renovation before it is acceptable to those with an interest of fairness in high school activities. The UHSAA believes that the bill discriminates against all other students in member schools, if those in private, charter or in home schools are treated differently.